

[18th November 1949]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MOTION UNDER RULE 15 OF THE MADRAS COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN :—“ Sir, under sub-rule (3) of Rule 15 of the Madras Council Rules, I move—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 ’.”

THE DEPUTY PRESIDENT :—“ The motion before the House is—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 ’.”

The motion was carried.

III.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) BILL, 1949.

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Mr. Deputy President, Sir, I beg to move—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949) as passed by the Legislative Assembly be taken into consideration at once.’

“ The House is aware that on the 18th October 1949, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance was promulgated by His Excellency the Governor. As the Ordinance has to be brought forward in the form of a Bill and passed into an Act before the prescribed period, I request the hon. Members to consider and pass the Bill.

“ The provisions of this Bill are the same as those of the Madras Essential Articles Control and Requisitioning (Temporary Powers), Act, 1946, with only a few consequential changes. Some clauses may appear to be new, but actually they are not new but the same as the sections of the 1946 Act. Many of the provisions of the Act were not enforced at all, as there was no occasion for enforcing them. It only gives power to the Government, and it will be used on very rare occasions and perhaps not at all used.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’”

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JANAB ABDUL LATIF FAROOKI :—“ Mr. Deputy President, Sir, I move—

‘ that, under Rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly) to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly.’

“ This can be considered to be a very moderate request. As a matter of fact, we feel that this Bill is practically unnecessary. The Act which this Bill reproduces has been in force from 1946, and the Government have not been able to achieve the object for which it was passed. Therefore there seems to be no justification for bringing forward this Bill. In spite of the existence of the Act, blackmarketing was going on. Permits were given to people who were favoured by the Government or the authorities issuing the permits. Rice was sent from one place to another without being detected, the cases detected being very few. To say the least, the Government were in a way helping the people to indulge in these activities. The Government acted like the man who gave previous intimation to the thief that the police were coming. The Government were broadcasting months in advance the action that they proposed to take. For instance, recently there was shortage of sugar. From about three months in advance, the Government were saying that they would seize stocks and control prices. The merchants became alert, hid the stock of sugar they had, and were selling it at an exorbitantly high price. At last there came a day when the Government fixed the price of sugar. By then all the available sugar went underground and people could not get sugar at the control price. The Hindus went without sugar during their important festival, Deepavali, and the Muhammadans went without sugar during Mohurram when they used to prepare a sugar syrup or *sherbat*. In my own house, the *sherbat* was not prepared this year for want of sugar. What is the purpose in passing laws if they are not going to be effectively enforced? The Government can take both the Houses into confidence, and refer the Bill to a Joint Select Committee which will consider the Bill calmly and dispassionately and suggest useful amendments, instead of passing laws in a hurry. Such an important Bill affecting the fundamental liberty of a citizen as the Maintenance of Public Order Bill was introduced in this House only yesterday, and we were asked to pass it yesterday itself. I only want that this Government, which have already become unpopular, should not become more unpopular. My fear is that not one of the present members of the Legislature including the Members of the Treasury Bench will be returned in the next election if we go on in this manner. Therefore I submit that we must at least consider the measures dispassionately. After all, a Joint Select Committee is not going to do any harm to the Government. By our suggestion to refer the

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Bill to a Committee, we are only saving the prestige of the Government. If amendments are accepted in this House, they have to go back to the other House for approval. I do realize that this difficulty is there. For this reason the Government are not prepared to accept amendments in this House.

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a.m.

"But, I ask, Sir, why should not the Government accept the proposal to refer the Bill to a Select Committee of the Lower House or to a Joint Select Committee of both the Houses? The Government could have just consulted the Members of both Houses in the Joint Select Committee and amendments which will be acceptable to the legislature, and which will not be challenged either in this House or in the Lower House could be made to the Bill and if such a Bill is passed by the Legislature, then both the Government and Members of the House will have the satisfaction that everything had been done to tone down the repressive character of the measure.

"Now, Sir, let me examine some of the clauses of the Bill which, in my opinion, are very drastic. Sir, clause 4 (1) says—

'4. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging its equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, the Provincial Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connexion with such requisitioning.'

"I submit, Sir, that this is a clause which confers arbitrary powers on the Government. The Government can requisition any property, can requisition anything, any building, including dwelling houses. In the second proviso to this clause, it is stated, "Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned". It does not exclude the possibility of requisitioning even dwelling houses. Then the Government in order to guard against further intervention by the people who are affected, have made another provision ousting the jurisdiction of the courts, thus preventing them to seek redress in courts of law. Sir, clause 17 of the Bill says—

'No court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the Provincial Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.'

"Now, Sir, this provision ousting the jurisdiction of civil courts has become a common feature in almost all the measures enacted by this Government. We had cried hoarse against such a provision, but our cries had only been in the wilderness and I am sure, Sir, our cries even now are going to be in vain. But the Government should not think that they can go on flouting our opinion in this manner. A day will come when this very Government, this very administration, which is now trying to exclude the jurisdiction of civil courts, will themselves feel and will themselves be anxious that courts should interfere under these very Acts. People who are

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responsible for enacting these draconian measures might themselves be hauled up under these very Acts. They may then repent the day that they passed these Acts in the teeth of opposition, ousting the jurisdiction of civil courts, because it is a sacred privilege of the people. What is it that the courts do? They are also part of the Government; they are, in fact, one of the limbs of the Government. They do not act in any way against the interests of the Government, nor are they out to favour the people. They hold the scales of the balance even, between the Government and the people, and between one party and another. If a party affected goes to the highest court in the land, and that tribunal gives a decision, either in his favour or against him, he is satisfied. The Government must allow the parties to go even to the highest court in the land, so that the parties may have the satisfaction of having exhausted all means available to them to get justice. People must feel that they had had recourse to the highest judicial authority in the country and that that judicial authority had felt that they were not right. That would give them great satisfaction. Now this clause says that even if their property is requisitioned and their dwelling houses taken away, they should not have any recourse to a court of law."

THE HON. SRI K. MADHAVA MENON :—" That clause does not say anything like that, Sir. The hon. Member is simply imagining certain things. It only says that 'you can go to court, but that no injunction will be granted by that court'. That is all it says, Sir."

DR. V. K. JOHN :—" Sir, the Hon. Minister will have his chance to reply to this at the end."

JANAB ABDUL LATIF FAROOKHI :—" Sir, let me read the clause once again very clearly. It says : ' No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction . . . ' What I say is that no court has power to issue injunctions. Suppose the Government had taken away the house of a person and had kept it for themselves for years together, where is the remedy for the man? That is my interpretation, Sir. If the Hon. Minister feels that the court can interfere and has jurisdiction, then I ask him, in all earnestness and in all humility, where is the necessity for this clause 17 at all? Then why not delete this clause? Why should you say that it is necessary and should be retained in this Bill? I therefore submit, Sir, that the Government are trying to take arbitrary powers, powers which infringe upon the right of the individual and upon the right of the society, by means of this legislation.

" Then Sir, let me come to clause 12 (1). It says—

' If any person contravenes any order made under section 3 or section 4 or section 7 (1) (a) or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.'

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“ Sir, the imprisonment of three years is itself a long period and a heavy punishment indeed. Perhaps all these enactments may not be in force even for so long a period, on account of the new constitution that is going to be usured in for Independent India. This clause says that besides three years imprisonment, he can also be fined and even after that, his property can be confiscated. Is this the sort of justice we are meeting out to people for any crime committed under this Act? Is it with a mere vindictive motive that we are enacting these laws? You imprison a man, and along with it, you fine him and even after that you want to confiscate his property and make him a pauper and rowdy in consequence. Is that your intention by enacting a legislation like this? What is then left for the man to get on in life, and where is he to go and how is he to earn his livelihood? You are not enacting this legislation for simply punishing a few people, who have got the tendency to commit crimes. An Act is enacted only in cases where there is a general tendency on the part of the public to commit crimes. Such being the case, if you think that there are so many people who have a tendency to commit crimes, and if you are going to imprison them, you are only going to aggravate the food situation, because you have got to feed them; and if at the same time you are going to confiscate their property, what is left for those people in the world to live on, except to try to create revolution to overthrow this Government and create chaos and disorder in the country? Are you going to create a situation like that by means of this measure? Therefore, Sir, it is that I submit that all these clauses must be toned down and must be modified in order that people might have a chance to rectify themselves, even though they have committed an error. Sir, people are apt to err; they may sometimes commit crimes, but they should be given a chance to improve their character and to rectify their criminal tendencies. Even black-marketers should be given a chance to correct themselves. Therefore, I say that such rigorous provisions should not be included in the acts which we pass, and I feel that this clause needs very great modification and that the Bill should be taken before a Joint Select Committee for being considered and thrashed out again.

“ Then Sir, I come to clause 12 (2). It states—

‘ Where any essential article is seized under the authority of an order made under this Act or continued under section 9 and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency town in which the seizure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the Provincial Government, be final.’

“ Sir, who is the executive authority who passes an order of seizure? It is the Collector, who owes his position to the Government. He always looks to the Government for favours and for promotion. He will always have an eye upon the Government to see that he pleases the Government. Therefore he will certainly pass an order which will be pleasing to the Government. Then that order will not go on appeal to any court of law. The appeal

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lies only with the Provincial Government, which is also the executive authority and that is the final appellate authority. What will the Government do in such a case? They will simply dismiss the appeal and uphold the order of the Collector, as otherwise the prestige of the Government will be at stake. Therefore, Sir, it is necessary that this clause also should be reconsidered and modified, and it is only a Select Committee that can do so. If, on the other hand, the Government with all these defects and all these rigours in the Bill, pass it, without any amendment and without considering it again, what will the public outside think of this legislation and of the Government which enact this law?

"Then Sir, take clause 13. It is also a very drastic provision indeed. It says—

'Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order; and any person who, knowing or having reasonable cause to believe that any other person is contravening any order made under this Act or continued under section 9, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.'

"Sir, here it is not the actual perpetrator of the crime, but the people who are suspected to be abettors, by somebody in whom this power is vested, who are being made punishable. Some person in authority in whom this power is vested may misuse this power and haul up any man and every man and say, "You are an abettor and therefore you are punishable under this clause." He may have some personal spite or jealousy and other personal motive against this man. Here this clause relates only to abettors and not the man who actually has committed the crime. I submit, Sir, that this is also a very drastic provision which also requires some modification.

"Again, Sir, let me come to clause 16. I feel, Sir, that this is a very important clause. It says—

'Where any person is prosecuted for contravening any order made under this Act, or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.'

"I submit, Sir, that this clause is against all principles of law and all canons of jurisprudence, because up till now we have been thinking that the burden of proof lies, not on the accused, but on the prosecution. That has always been a healthy principle of law that has been followed in all courts. It is the complainant who has got to prove that a particular man has committed an offence. Sir, I am not a lawyer and I do not know, nor have I heard the existence of a provision like this in any Act or law. This is an unheard of thing. Everybody knows that the burden of proof is on the complainant. The accused is not even asked any question in a court of law. He is simply asked to state whether he pleads guilty or not. Nothing else is asked of him.

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noon.

“Evidence is adduced against him. He is asked to defend himself, and the burden of proof rests on the prosecutor. The Hon. Minister for Law is an eminent lawyer himself. Nobody can question about his eminence in law. He himself knows—I need not say this, because it will mean carrying coal to Newcastle—that the burden of proof rests on the complainant. Why do you change that procedure now? Why do you go against all principles of law? Anywhere in the world, the accused is simply to sit mum and silent; he is not asked to say anything even in cases of murder. Do you place the burden of proof on the accused and ask him ‘well; it is for you to prove that you have not committed murder’. You do not do that. Is the crime under this Bill more heinous than murders. How are the Government passing Bills like this thinking that people outside do not understand these things. People outside this Legislature are more sensible than this Legislature or at least as sensible as people who are sitting here. When they read the papers, they say ‘what are these people doing like mad people who know nothing’. Sir, I do not want to use expressions used by the people. They say ‘what are these people, ignorant people, doing, as if people outside the Legislature do not know anything’. This is the way in which the Legislature, the Ministers and this House are treated by the people. Therefore we must do thing which will always convince the people outside. What will the people outside say? They will say that if a man who has committed murder is asked to stand in the box, that man will not be asked to prove that he is innocent. The proof of murder rests on the prosecutor. The greatest crime that can be committed is murder. There is not a more heinous crime than murder. If a murderer is not asked to prove his innocence and if the burden of proof should rest on the prosecutor to prove his guilt, I would submit that in this case, greater consideration must be shown. In cases like this, the man should not be asked to prove that he is innocent. The fact that he is not innocent should be proved by the prosecutor. Because of these reasons, I submit that there is necessity for a Joint Select Committee. The request for a Select Committee was turned down in the other House. I would have asked for a Select Committee of this House, but as the request for a Select Committee has been refused in the other House, I thought that it would be better that a Joint Select Committee of both the Houses might be constituted to consider the various Clauses of the Bill, so that the rigour of the Classes might be toned down and the Bill put in a form which would be acceptable to the people, which would be workable, which would not inflict hardships on the people, and which would redound to the credit of both Houses of Legislature. Therefore, I submit that the Assembly should be requested to concur in the setting up of a Joint Select Committee of both Houses. I hope that the Hon. Ministers and Members on the other side of the House will see the reasonableness of this request and accept my amendment. Sir, I move my amendment.”

DR. SYED TAJUDDIN :—“I second the amendment.”

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*SRI R. SURYANARYANA RAO :—“ Mr. President, Sir, I had no intention of taking part in this debate, believing as I do, and differing from my hon. Friend the Leader of the Opposition, in controls. What I am surprised is that when a measure of this kind is brought forward, which is merely a repetition of the Act passed in 1946, I expected the Government to examine how far the provisions meant to be used in 1946 were really necessary in 1949. It appears to me that the Hon. Minister for Law assured us yesterday that his department keeps careful watch over the Acts that are to expire and bring them to the notice of the Government whether they should be extended or not. When a Bill of this nature was brought forward, was every clause that is inserted examined to see whether the necessity for it existed? We expected that the Hon. Minister for Food would make out a case why he felt that powers of requisitioning and acquisition were necessary. The curious thing is that they have referred to the provisions of the Defence of India Rules which have already become defunct. It is true that these provisions were necessary at the time of war and also when we had not recovered from the after effects of war. Are we now in a state of War that this Government should have the power to requisition and acquire property? These are provisions which the Government should possess only in times of great danger. I do not think the Government have bestowed any thought on any of the provisions included in this Bill. They have simply copied the 1946 Bill, put it as an ordinance, and having made it an ordinance, they have to pass a Bill before the expiry of the stipulated period. Therefore it is that this Bill has been brought forward. I do not think this is fair to the Legislature. They want to restrict this Bill to 30th September 1950. If the conditions which exist now are such as to make the Government feel that they need all these various powers, what makes them think that by 30th September 1950 such a necessity will not continue to exist? Sir, I sympathize with the amendment of my friend Mr. Farookhi. If the Hon. Minister for Food had agreed in the lower House or even if he now agrees to refer this Bill to a Select Committee, the Select Committee might weed out those provisions which are of no use, and which should not find a place on the statute book. Only those essential powers required for the purpose of carrying on the controls in regard to food and other essential articles need be taken. All kinds of things have been put in this Bill. People outside think that we are mad. My friend Mr. Farookhi said that we were trying to introduce provisions in this Bill for which there was no need at all, and that the Government were trying to take powers unnecessarily. The result is that the statute looks very respectable with a number of pages, but none of its provisions will be utilized. I do not know why the Government need these powers of requisitioning and acquisition. Even the Hyderabad trouble is over. At that time it was felt that we might need powers to acquire and requisition certain properties with a view to carry on certain operations, if necessary, against Hyderabad. The surprising thing is the Schedule to the Bill. Certain articles are mentioned there. The Government have the power to add to the list other articles also when they find it necessary to do so. My hon. Friend the Leader

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of the Opposition asked me 'how is it that the foodgrains are not included under this Bill; they are administering the foodgrains control order also, and it must come under this Bill.' I think the Hon. the Food Minister will answer this point. (Interruption.) It may be under the Central Government's control orders. With these few words, Sir, I support the amendment of my friend Mr. Farookhi. Even if there is delay in the passage of the Bill, we are perfectly willing to give to Government all the powers in order to carry on the strict control over all essential articles. But if this Bill is referred to a Select Committee, it will be possible to remove all unnecessary provisions and make this Bill small and contain only essential provisions. With these few words, I support the amendment of my hon. Friend Mr. Farookhi."

* SRI N. RANGA REDDI :—" Mr. President, Sir, I do not want to take up the time of the House on all the provisions of this Bill, but I would like to say a few words with regard to clause 7 of this Bill. Clause 7 refers to the control of agriculture. I submit it is a very difficult matter in which the Government will find themselves and very inconveniently placed to operate this clause for more reasons than one. I may submit that I am not opposed to the imposition of controls if they are absolutely necessary for controlling the price of essential articles. But if for any reason the control imposed is impossible or impracticable, I submit that control need not be exercised. It is from that point of view that I would like to say a few words regarding clause 7. Clause 7 seeks to empower the Government or any person authorized by the Government to impose restrictions with regard to the kind of crops to be sown. I may here also remind the House that this Bill is only for a limited period. It will be in force only till the 30th September 1950. Within this period of one year, one may probably raise two wet crops or one dry crop, if it is a dry crop. If power is taken by Government to impose restrictions on the sowing of crops, and dispossess the previous owner and give possession of lands to another person, to sow a particular kind of crop, what will happen? Though this may look feasible on paper, in practice it will not at all be workable. After all in particular seasons in a year we have to sow particular crops. Only at a particular point of time, a particular crop can be sown. You cannot find out whether the ryot who has been asked to sow a particular crop in a particular season is going to sow that crop. When you come to know that he has failed to comply with the order given to him, that particular crop season will be over. Anybody who is asked to sow that particular crop at that time will not be in a position to do so. Therefore, I would like to impress upon the Government that this provision is highly impracticable in the very nature of things. After all, for a limited period, this provision will not be very effective. We will only incur the discontent of the peasants so far as this clause is concerned.

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p.m.

"Sir, there is also another point that I would like to emphasize."

DR. V. K. JOHN :—"Am I to understand that the hon. Member feels that the Government are doing impracticable things? He is himself degrading the Government, Sir."

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* SRI N. RANGA REDDI :—“ I am not doing it, Sir. If some provision is found to be detective, I am expressing my opinion.

“ Sir, there is another point to be considered in this connexion. If control of an article is to be imposed, it should be imposed not only at the time of its birth as it were but also at the time of its growth and at the time of its distribution and so on. I would like to make my meaning quite clear. It is not sufficient for the Government to say that a particular crop ought to be sown over the land. If the Government were to say that a particular crop ought to be sown over the land, they should also take care to see that a particular price is fixed which can be said to be remunerative so far as the peasant is concerned and if the peasant is not able to get that remunerative price, it would be very hard and cruel on the part of the Government to say ‘ I dictate to you that only a particular crop is to be sown and you should obey me.’ After all, this is not a case of unilateral transaction because so many penalties are also provided. Clause 7 (1) (a) only gives power to the Government to provide, by notified order, for prohibiting a particular act and the Government say ‘ If you transgress this order, I will punish you.’ But so far as this Act is concerned, it is not only a case of unilateral transaction but something has to be done by the Government also. No doubt, the Government will issue an order to the peasant to grow or sow some particular crops on his land. But after the crops have been sown, it is the duty of the Government to see that his crops are also sold at a reasonable and fair price. Otherwise, the Government will be taking a very hard view of the matter and thus the peasant would be put to a serious loss.

“ Sir, as I said, the Government having given an order, should also fix a reasonable price. I hope they will do so and see that proper distribution is made to the consumers in the Presidency. But what happens is the price that has been fixed by the Government on a particular occasion is not going to prevail for that whole year and they are going to change in the middle of the year that price which was fixed for one particular time. That has happened in the course of this year itself. A particular price was fixed for foodgrains. That price has been abandoned and a new price has been fixed which will come into force either from 1st November or 1st December. No doubt the Government will say “ We have no control over the price of these foodgrains; that is a matter which is entirely left to the discretion of the Central Government.” But that argument does not hold water. I would submit to the Hon. Minister for Law that my point with regard to clause 7 is that the control exercised by the Government should not be confined only to asking the peasant to grow a particular crop but it should also go further and the Government must say that they are going to purchase the foodgrains raised by him, at a particular price. Then only it will be practicable and reasonable.

“ Another point is, having said so, it is the duty of the Government to see that they purchase those foodgrains, whatever be the price. They are proceeding on the assumption that what is called

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the 'political price' which has been fixed at the beginning of the year will continue throughout the year. But unfortunately our market price does not depend on, or is not commensurate with, or is not the same as the political price. It varies with varying circumstances."

DR. V. K. JOHN :—" I want to know the meaning of the term 'political price'."

*SRI N. RANGA REDDI :—" Sir, the meaning of the term 'political price' is a price which has been fixed by the Government whether it is in relation to all the factors that have been taken into consideration in producing the crops or otherwise, whereas a market price is one which is ranging in the market irrespective of other considerations. Therefore, I would submit that the political price and the market price are not always the same. They differ. Hence, when once a political price has been fixed, irrespective of whether the market price is the same as the political price or not and whether the market price is lower than the political price or not, the Government should be in a position to purchase all those articles or grains which have been produced by the peasant at the instance of and in conformity with the order. But unfortunately my experience has been otherwise. We know, Sir, that there has been control exercised over the purchase of foodgrains. As I said, I have no quarrel about it at all. I do want the foodgrains to be procured and I also want the Government to distribute them at reasonable prices to the people. That is the duty of any civilized Government. But what happens is this. Last year—I am talking of the conditions that prevailed before the cyclone and the floods—some people were clamouring that the procurement of foodgrains had not been very satisfactory. I may submit there was no need for procurement at all because the market price was far below the price fixed by the Government. Therefore, what happened was that the people who were appointed as procuring agents were not willing to purchase the foodgrains in the open market, because when once the foodgrains had been purchased in the open market, they could sell them only to the ration shops and ration shops were also not willing since the ordinary consumer was getting his articles for a very low price in the open market. Therefore, the procuring agent was reluctant to purchase these foodgrains and was not willing to shoulder the responsibility under the law. So, what I would like to submit to and impress upon the Government is when once they have taken upon their shoulders the duty and the responsibility of providing the foodgrains at a reasonable cost to the people, they should procure them at a reasonable price and even if the price goes down in the open market, it is their duty to shoulder the responsibility and pay the loss to the procuring agent who purchases those foodgrains. Sir, this sort of thing is going on even now in the mufassal places. When I debated this point in the local Food Committee, one respectable official holding the position of a Deputy Collector said, 'We have

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been seeing the market price is much lower than the political price. I am trying my level best to procure these foodgrains and yet I am not able to get them.' I said, 'It passes my comprehension when the market price is much lower than the political price or the Government price, the peasant will be so foolish as not to take advantage of this position and sell his foodgrains to the Government.' The political price on paper might be much higher than the market price. But when once the peasant parts with his foodgrains to the Government, what happens? He will not be able to get back his money immediately; probably he will have to spend much more; and if the difference between the market price and the political price is large the attempt will be to sell his grains only to the local dealer rather than to the Government. He will have the satisfaction of only selling his foodgrains to the Government at a higher price, but in practice he will get much less. Therefore, you will have to see the reason. The peasant, being a human being, is actuated by reasonable motives. Though the price is not high, he is selling it only to the local dealer and not to the Government. This feature even now prevails. The margin between the political price and the market price is very high but the peasant is not willing to sell his grains to the Government though the Government price is higher. Therefore, I would like to submit, please don't be satisfied with imposing restrictions on the peasant by simply asking him to sow a particular crop but see that you fix a particular price which is reasonable even before the crop is raised and then if the dealers are not willing to purchase it, you take the responsibility of purchasing those grains and thus create confidence in the minds of the peasant. The Government must give him an assurance. 'Whatever may be the consequence, I am here to protect you. I asked you to raise a particular crop; I won't make you lose.' Then only the Government can control. Otherwise, it will be impossible, in the nature of things, to impose a condition like this. Therefore, I would submit to the Government that not only should they impose such restrictions but also they should see that the restrictions cover the entire field, from production till distribution. Then only the control will be satisfactory.

"Regarding the control of other articles also, the Government must see that they fix a very fair and reasonable price which will attract or tempt the peasants as a whole. Otherwise, imposition of control is practically a nullity."

* DR. V. K. JOHN :—"Mr. Deputy President, Sir, in attempting to pass this Bill into law, I feel the Government do not realize one fundamental or elementary principle that the object of all control is decontrol. The very day you introduce control, you must have a definite plan to get rid of that control. In 1946 we passed a law for a limited period to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property. Now the Hon. Minister in introducing the Bill said and correctly said that that Act was not made use of very much except in the case of one

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article which I will mention now. This Act was almost a dead letter. I have not heard except in respect of one article complaint against Government that they have used arbitrary powers of control under this Act which we passed in 1946, because there was no need for the Government to exercise control. The only control they exercised is on article No. (11) in the Schedule 'Motor vehicles (new or used)'. In 1946 there was a rush for the purchase of motor vehicles and Members of the Legislature who were given first priority were in the field and the Government helped them and there was even an inquiry whether a large majority of the motor vehicles purchased under control were not put into the black-market. Control and blackmarket always go together; therefore, we should not exercise any control over anything unless it is absolutely required. Control was exercised in the case of cars; so many people who had influence purchased cars under permits and then sold them away at higher prices and were thus benefited. All this is known to the members of the public. Now, except for this article 'motor vehicles' what is the control the Government have exercised? Hon. Roche Victoria said, 'we have not exercised much of this control at all. In a panic, this Act was passed, introducing the requisition of immovable property, etc., in 1946. I ask: are the Government living in closed rooms, not being in touch with what is happening around them in the City and in other parts of the Province? Why do they want control on various articles mentioned in the schedule—firewood, charcoal, livestock, non-edible oil-seeds, dyes, etc. I say, except for one or two of the articles mentioned here, there is no necessity for control at all. I know some merchants who are selling dyes—some of them are my clients—I am told dyes have the poorest market: there are not sufficient number of people to buy the stuff and prices have gone down to half the old level; and still this Government, living inside a shell, without any touch with public opinion and the market, ask us to pass a law enabling them to control dye-stuffs, and control new cars, for which there is no sale. Sir, control is something which gets into the flesh of the Government and sticks there, not like a leech, but as part and parcel of their very existence. Without control and ordinance, the Ministers will go and weep: they can be happy only with controls. Look at this Act which they want to re-introduce in 1949? What is the definition of 'essential articles' given here? 'Essential articles' mean any of the articles specified in the schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an 'essential article.' They can even say, with due respect, Sir, that the turban worn by anybody—say the Deputy President—could be an essential article and notify it. The power is vested in them to do so. Why do they want a schedule at all. I ask? There must be somebody in the Government, he may be a head clerk, a Superintendent, an Assistant Secretary or Secretary—who can think. Once the Government take power to say that anything they declare will be a controlled article and comes under the purview of this Act, why should there be a schedule, putting

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into it, charcoal, dyes, cars, etc.? It is a comedy one cannot understand. This responsible Legislature has to look into every clause, every sentence, even a comma, and fulstop in an Act; have we the responsibility to go into everything and scrutinize what they are doing? Is this a school-boys' room where something is dictated by the schoolmaster and then carried and passed by the votes of boys who are bound to vote? This is a disrespect to a Legislature constituted as it is—the Assembly and the Council. They say there is no need for control but still they want control because it has become part of their constitution; they say 'we cannot sleep, we cannot eat, we cannot smile unless we introduce this control'. That seems to be their attitude. It is a very wrong thing. First, let them learn the elementary principle that the object of all control is decontrol. If they never requisitioned property at all, why this control again? Then what is it that they have done under this law? If I were to advise, I would have asked them to have a brief, very small Act; let them take control over articles which they may declare from time to time and take power for control of production, supply, distribution, transport and trade and commerce therein, as they have said. Two sections are enough, and they can declare from time to time what is an essential article. Again, why fix a date, 30th September 1950? Let them have a permanent law. It is a popular Government and we will give them all support. Instead of that, ignorance—after all ignorance is bliss—of everything that is taking place in the Province, is evidenced by their asking us to re-enact a temporary enactment of 1946, passed under circumstances absolutely different from what they are to-day. This is treating the Legislature, a respectable body of persons who have got to make law for the Province to bind the people of the Province, with scant courtesy—a Legislature where they have a steam-roller majority which will vote for them. Is it not a tragedy that this Government, having got advisers, think that they themselves have no time to attend to all this, but think they can take up the time of the Legislature? That is why my hon. Friend said that a Select Committee could have discussed and examined the provisions, but they won't have it. They simply come here and say 'an ordinance was passed some time ago; let us pass this Bill for another year'. It is not merely a comedy, it is a tragedy. It is most irresponsible conduct on the part of the executive to come forward with measures for which there is no reason or rhyme. Why control firewood, charcoal, non-edible oil-seeds, dye-stuffs, dyes used for textile printing, artificial silk varn and motor cars, new or used, all of which can be had in plenty in the market—I can never understand it at all. Should they not have looked into the schedule for one minute and found that the schedule need not be there? They can notify any of these articles from time to time. I ask this Government to think a little before they come to the Legislature of the Province and ask it to pass Acts. Why make the Statute Book larger with all these control Acts? If somebody edits the Madras Acts to-day, they will go into volumes; formerly for a hundred years and

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odd, we had only one book—the Lawyers' Library contained one book for all Madras Acts, but to-day you must have a dozen. After the Congress Government came into power Acts after Acts were passed, absolutely unnecessary Acts. What is the necessity for this Act? Did the Hon. Minister who introduced the Bill tell us that the Government found need for control over charcoal, firewood, livestock, etc.? He has not said a word at all. In fact, if the Government want cars—only their prices are high, but—they can be had in plenty and no control is required over cars at all. Although this measure will be passed into law, in spite of our protest, it might be the Government will still be in difficulties regarding essential articles. We might be on slippery ground, 'but let us use that stick for walking over the slippery ground'—they might well say so. But do not always be bound to a stick for walking, otherwise you will become weak—that is what I would say. Let not Government think that controls are part and parcel of the Government machinery; we must get rid of all control. Let people be free, let markets be free. The Government simply want to introduce control, merely copying some Act which was in force in 1946, passed in circumstances quite different and with different objects. And here they are taking up the time of the House, asking us to pass something which is unnecessary and superfluous, without even correcting the mistakes in the schedule and in the body of the Act. This Bill is no compliment at all to the Government; Government have better duties to attend to and this House also has got better duties to attend to. This Bill pays no compliment to the Government; it is a pity that the Government should have thought it necessary to re-enact this 1946 Act. I ask the Hon. Minister: although you may get this Bill passed to-day, bring in another amending Bill to delete the clauses which are not required and the schedule, retaining only such clauses as are absolutely necessary, so that the people of the Province may be impressed that the Government are after all a thoughtful body and they think and act sensibly. Now, if any member of the public reads this Bill, he will laugh. Should this Government be the subject of ridicule and laughter? We are interested in the prestige and reputation of this Government; but we are very much more interested in the prestige and reputation of this House which the Government try to spoil by introducing such Bills and getting them passed by the majority which they can command at any time."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the hon. Leader of the Opposition said that Government have better duties to do than bring legislation like this. I also think that to-day he has no better thing to do; he would never have talked like this if he had any other business to attend to. The whole speech of the Leader of the Opposition can be said to be nothing more than waxing eloquent over nothing."

DR. V. K. JOHN :—" It is a great thing, Sir, to wax eloquent on something, but a man waxes eloquent on nothing at all on occasions,"

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THE HON. SRI K. MADHAVA MENON :—" I admit his capacity for that, Sir. Apart from that, if he thinks this is sheer waste of time to go through this Bill here, is it not a greater waste of time to refer the Bill to a Select Committee who will spend another two days over it? "

DR. V. K. JOHN :—" But the Select Committee would have cut down the unnecessary clauses."

* **THE HON. SRI K. MADHAVA MENON** :—" It is true that at the time when it was passed in 1946, some articles were included in regard to which there were no control orders; but there was control over firewood, over charcoal, non-edible oil seeds and manure. Subsequently, we added a number of things by notification and some of them are still under control. Cinchona bark and cinchona products, we have removed control over them; cotton, Indian and foreign, is still under limited control. Control over timber we have removed; iron and steel control still exists. Controls have been removed on paper, brass and copper, etc. In regard to cotton seeds and oil seeds, there was control till recently and we have just removed it. So much so, there are always some articles under control. Nevertheless, there is one item over which is a cloud hanging whether there should be control or not and that is, firewood, which is a matter that is causing a bit of anxiety. There was a time when firewood was not available in Madras for love or for money and with control we were able to secure it for the people, but with regard to it we are still in doubt as it is a difficult case and we do not know whether a time will come when we will have to do like that. Motor cars, we have removed control over them . . . "

DR. V. K. JOHN :—" But they are in the schedule of this Bill."

* **THE HON. SRI K. MADHAVA MENON** :—" By another clause, we have removed control over cars and have limited it to 10 per cent on the sale of cars. There are 11 items in the schedule. By various notifications, we have removed one article after another from the schedule as and when we found there was no necessity for controlling that article. Sir, now cement, cotton, iron and steel are controlled commodities. If we find that there was no necessity for classifying a particular article as 'essential' we will not keep that in the schedule a moment further. The Legislature has given sanction for this Act to remain in force till September 1950."

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DR. V. K. JOHN :—" My point is that this schedule is repeated as from the old Act of 1946. It is not answered."

* **THE HON. SRI K. MADHAVA MENON** :—" It is not possible to answer all the questions of my hon. Friend. He asks, 'Why is not the schedule repealed?' Sir, this is a question in which we have to act cautiously. Take the case of firewood. The position has not been good for some time past. God help us, so that we

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may not bring in firewood also in this schedule and control it. So, if we were to remove this schedule, we cannot bring such essential articles as firewood and cattle feed, the positions of which are worsening, under the schedule and control them. I can only say that the items in the schedule are only those which are absolutely necessary to be controlled. We have to keep certain items in the schedule, which are in short supply to ensure that the public do not suffer for lack of these articles. Sir, we do not know what our position will be with regard to firewood and cattle feed in view of the terrific cyclone that has happened in Andhra Desa recently. We may have to take action with regard to these articles and we may have to control them.

"It is said that we are completely shut in the cells of the Secretariat and do not know public opinion. I can only pity my friends who say like that. It is only like a jaundiced person seeing everything yellow. I cannot satisfy those friends. But I can satisfy others, whom these friends want to confuse, that there is necessity for this Bill.

"Considerable misapprehension has been expressed about clause 7. Mr. Narayanaswami Nayudu asked me whether there was a provision like this in the original Act. I told him that there was a provision in the original Act. I have also told him that though there was this provision in the old Act, it was not used, nor was there an occasion to use it. I showed him the original Act also. I have also told him that what was contemplated was only to control such of the essential articles like livestock, manure, eggs, etc., which are in the schedule and there is no question of requisitioning agricultural land. As already stated, the question of the agricultural lands being taken will never come.

"I was rather surprised at the legal objections raised by my Friend Farookhi Sahib. My friend was waxing eloquent about the jurisdiction of the courts being ousted. I may tell him that there is nothing frightening about this law. There is no case of the jurisdiction of the courts being ousted. I say that section 17 contemplates a suit wherever a person is to be prosecuted for contravening the Order under this Act. The section says, 'No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary . . .'. So, it contemplates that a suit must be pending. Only the issue of an injunction against the Government is prohibited under this section. Supposing action is taken against a person who has large stocks of firewood. If an order of injunction is taken against the Government from taking possession of this firewood and distributing it to the various people who need it, it would not be desirable. The people will suffer. Hence the prohibition of injunctions being issued restraining the Government from controlling perishable articles, is only contemplated. If the courts are allowed to issue injunctions, it will serve no purpose at all. It is likely to destroy the essential articles which

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are so urgently needed by the people. As will be seen, a suit is admitted under the Act and a party is entitled to have his right declared in the court. In certain cases, even compensation is contemplated for any damage that may be caused. So, there is no question of the jurisdiction of the courts being ousted at all."

JANAB ABDUL LATIF FAROOKHI :—"How does the Hon. Minister explain clause 12 (2) which says that the decision of the Provincial Government is final?"

* THE HON. SRI K. MADHAVA MENON :—"Sir, in small petty matters, where only Rs. 100 worth of articles are requisitioned and taken away from somebody, do you mean to say that there must be provision for appeal even to the Privy Council? We have provided in this clause for appeal to the Government against the order of the Collector. I think that should be sufficient."

JANAB ABDUL LATIF FAROOKHI :—"Certainly, the jurisdiction of the Court is ousted here."

* THE HON. SRI K. MADHAVA MENON :—"Sir, so much is talked of this jurisdiction of the courts. I may tell that the jurisdiction of the civil court is prohibited in every law. Take the case of the Limitation Act. A man executes a promissory note. After three years the note is barred. After that period, if a man files a claim in a court, can the court entertain the claim? The court will certainly have no jurisdiction to entertain this claim. Again take the case of the Transfer of Property Act. Here, a suit without notice is prohibited, even if you are otherwise entitled. If you do not give notice and file a suit for eviction, certainly, the court will not entertain the suit. Even if a suit is filed, the court will *suo motu* dismiss the suit saying that it has no jurisdiction. So in every respect, the jurisdiction of the civil court is limited. Hence I am unable to understand this suggestion that the sanctity of the jurisdiction of the civil courts is being affected.

"My hon. Friend Mr. Farookhi Sahib has been waxing eloquent on the question of burden of proof. I may say that there is nothing out of the way from the ordinary law in this case. Supposing a Police officer finds on the road a cart-load of firewood which has no permit. Certainly he has to charge the man who is taking the cart. He cannot go on enquiring and finding out whether that man has applied for the permit, or whether the man has been granted the permit whether he has kept it in his box at his house and all that. What he is concerned with is whether that man has the permit in his possession at the time he was caught by the Police officer. Certainly, the Government are not to prove this. It is for the man who has been taking the cart without a permit to prove that he is not at fault. There is nothing peculiar in this.

"Something has been said about clause 13 which provides for the punishment of the abettors. It is said that suppose a coolie is engaged in carrying a particular article without a permit, is he to be

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punished? I may state that it is not what is contemplated in this clause. It is intended only to punish those who are deliberately aiding or abetting in the contravention of any of the provisions in this Act. So there is nothing against the law.

"Sir, I admit that there are certain things which have been included in this Act, for using which there may not be any occasion. It is said that they might have been omitted. I would like to say that to safeguard against any emergency, it is very necessary that these things ought to be there."

THE HON. SRI J. L. P. ROCHE VICTORIA :—"Mr. Deputy Speaker, Sir, my hon. Friend, the Minister for Law has more or less dealt with all questions, all legal questions, with the help of the Leader of the Opposition (laughter). There is not much for me to say except the fact that there is no necessity for referring this Bill to a Select Committee. This question was also raised in the other House, which has dealt with this Bill and passed the Bill.

"It may be true to some extent that there is no immediate necessity for such a Bill. But, as pointed out by the Hon. Law Minister, there are certain items in the schedule. At any time it might be necessary for the Government to take powers under this Bill to control those articles. Even now after the introduction of the control of sugar, people are clamouring for the control of jaggery, the price of which is soaring so high in some districts, especially in the southern districts. The other day, in the other House, an hon. Member sought to bring an adjournment motion to discuss as to how to control the price of chillies, pepper, and other commodities. Sir, while there is demand for decontrol of all things on one side, there is also demand for control of some of these commodities on the other. Sir, it is only when people feel the scarcity and difficulty of getting these articles, they think of the benefits of controlling these articles.

"Some of the legal aspects of the provisions of this Bill raised by hon. Members were exhaustively dealt with by the Hon. the Law Minister. I would therefore, refer to one or two points which were not touched upon by him. Sir, it was said that the various measures adumbrated in the Bill under discussion were introduced during war time when conditions were . . ."

1 p.m.

THE DEPUTY PRESIDENT :—"The clock strikes one. Since it is Friday today, will you be able to finish your speech within five minutes, or you will resume after lunch?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—"I shall finish my reply now, Sir. Some hon. Members said that such measures were quite necessary in the conditions existing then, i.e., during war time but now there was an improvement in the present conditions and so there was no need for a Bill like this. Sir, I would refer them to the present food situation in the country. If they will examine the food position, they will feel the necessity for such a

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measure and not only that, they will also realize that certain provisions contained in the Bill are quite warranted in the interests of the people at large. I would therefore request hon. Members to consider the Bill in its proper perspective and approve of the measure instead of referring it to a Joint Select Committee or a Select Committee."

JANAB ABDUL LATIF FAROOKHI :—" Sir, I would like to reply to several of the criticisms made just now, but today being Friday, I shall do it in the afternoon."

THE HON. SRI K. MADHAVA MENON :—" The Hon. the President has given a ruling that the mover of an amendment has no right of reply."

THE DEPUTY PRESIDENT :—" Yes, this is more or less an amendment . . ."

JANAB ABDUL LATIF FAROOKHI :—" I would reply to some of the points raised by the Hon. the Law Minister at the third reading of the Bill."

DR. V. K. JOHN :—" But the result is the same !"
(Laughter.)

THE DEPUTY PRESIDENT :—" The motion before the House is—

' that under rule III (1) of the Madras Council Rules the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly), to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly '."

The motion was put and declared lost.

THE DEPUTY PRESIDENT :—" I now put the original motion to the vote of the House."

The original motion that—

' the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, be taken into consideration at once ' was put and carried.

THE DEPUTY PRESIDENT :—" I adjourn the House to meet again at 3 p.m. today."

The House then adjourned for lunch.

(After lunch—3 p.m.)

MR. PRESIDENT :—" I will now put the various clauses to the vote of the House."

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 were separately put and carried.

The Schedule was put and carried.

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Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I move,
Sir—

‘ that the Bill be passed into Law ’.”

3-2
p.m.

SRI N. VENKATACHALAMAJI :—“ అధ్యక్ష, ప్రభుత్వంవారు అను
లులోనుంచిన ఈ కంట్రోల్స్ వల్ల ప్రజలకు చాలా కష్టములు కలుగుచున్నవి. ఈ
కంట్రోల్స్ విధానములో ఎక్కువ లోపము లుండుటవల్ల ప్రజలు మరింత బాధపడు
చున్నారు. ముఖ్యంగా బీద ప్రజలు ఎక్కువ ఇబ్బందులు పడుచున్నారు. ఈ కంట్రోల్స్
వల్ల ధాన్యపు ధరలు చాలా పెరిగిపోయినవి. ఈ ధరలు ప్రజలకు, ముఖ్యంగా బీద
వారికి అందుబాటులో లేకుండా ఉండడమే కాక, చాలినంత బియ్యము దొరుకుటలేదు.
రేషన్ షాపులలో ఇచ్చే కొద్దిపాటి బియ్యము విమాత్రము చాలటంలేదు. అంతే కాకుండా
ఇచ్చే కొద్ది బియ్యముకూడ శుభ్రముగా నుడక మెరికలతోను, నడ్డతోను, పురుగులు,
పుట్టలతో నిండియుండును. వేరుకు మనిషికి ఎనిమిది ఔన్సులు ప్రకారము ఇవ్వడమే
కాని అది శుభ్రము చేసినతరువాత 3 ఔన్సులకే దిగుచున్నది. ఈ ప్రకారము వారము
రోజుల కిచ్చు బియ్యము రెండు రోజులకంటే ఎక్కువ కాలమునకు చాలదు.

“ ఇంక ధరల విషయంలో, ప్రభుత్వంవారు ధాన్యం బస్తా 1 కి బియ్యము
రూ. 17-8-0 ప్రకారము నిర్ణయించినప్పటికి, బస్తా ఒకటింటికి రూ. 25-0-0 లేక
రూ. 26-0-0 ప్రకారము అమ్మబడుచున్నది.

“ ఈ కంట్రోల్స్ సక్రమంగా నడుపుటకు ఎంతోమంది ఆసీస్ గా నియమించ
బడినారు. కాని వారివల్ల విమాత్రము ప్రయోజనములేదు. వారు గవర్నమెంటును
unpopular చేయటానికే ఉన్నట్లు నాకు తోస్తున్నది. వారంతమంది ఉండికూడ ప్రజ
లకు సరిగా బియ్యము దొరకడంలేదు. ఈ కంట్రోల్స్ విధానములో ప్రభుత్వం
వారికి ఆరు సంవత్సరముల experience ఉన్నప్పటికీకూడా పరిస్థితులు విమాత్రము
బాగుపడలేదు.

“ ఒక ఉదాహరణగా నేను తెలుపుచున్నదేమంటే, ఈ సాంపులు బియ్యం నార్
వైజాగవట్లం జిల్లాలోనుంచి బియ్యం విజయనగరం దిగుమతి అయి రేషన్ షాపులకు
యివ్వగా, వారు బియ్యం బాగాలేదని చెప్పుకున్నాకూడ, బియ్యం బాగుందనే Firka
Supply Officer సర్టిఫై చేసినాడు. ఇటువంటి విషయములలో ప్రభుత్వంవారు సరియైన
శ్రద్ధ తీసుకొని అట్టి ఆసీస్ గా వైన action తీసుకొనవలసిందిని కోరుచున్నాను.

“ పరువాత పంచదార distribution విషయములోను చాల అన్యాయము జరుగు
చున్నది. ప్రతి ration cardకు అర వీశ పంచదార ఇవ్వబడునట్లు నియమించబడినది.
కాని ఈ అరవీశకూడ గజలకు సరిగా అందటంలేదు. Revenue Divisional Officer
గారుగాని, తాన్సీల్డరుగాగాని 150 బస్తాలు distribution చేయవలసిందని నియ
మించితే, దానిలో 30 బస్తాలు తాన్సీల్డరువారికి కావలసినవారికి personal permits
ఇచ్చుటకుగాను కేటాయించుచున్నారు. కనుక మిగత 120 బస్తాలు మాత్రమే ప్రజలకు
distribution చేయవలసి యివ్వబడెను. కొన్ని కొట్లలో అర వీశ చొప్పున ఇచ్చుటకు
చాలదు. అరవీశ చొప్పున అందరకూ ఇవ్వనప్పుడు, వర్తికుడు ఇవ్వలేదనుకొంటాడు.

18th November 1949] [Sri N. Venkatachalamaji]

గాని గవర్నమెంటు సరిగా పంపకం యివ్వలేదనుకోరు. ఈ కష్టములన్నియు ఆ ఉద్యోగి గవర్నమెంటునే కలుగుచున్నవి. వారు ప్రజల దృష్టిలో ఈమాదిరిగా గవర్నమెంటును చాల unpopolar చేస్తున్నా గని అనక తప్పదు.

“ప్రజలు ఈ కంట్రిబ్యూషన్ల ఎన్ని ఇబ్బందులు పడుచున్నారో ప్రభుత్వం వారు గమించి, వాటిని తొలగించుట వారి విద్యుక్త ధర్మమై యున్నది. కనుక మన Food Minister గారు పరిస్థితులను స్వయంముగాచూచి, ప్రజలకు లేనిపోని కష్టములను కలుగ జేయుచున్న ఉద్యోగిస్తులపై సాక్షాత్తున action తీసుకొనుటేకాకుండా, మంచి బియ్యము సక్రమధరలకు ప్రజలందికి సరిగా distribute అగునట్లు చూడవలెనని మనవి చేయుచున్నాను. ఇట్లు చేసినట్లైతేనే ప్రజలందరు సంతోషించుటకు వీలగును. మరియు గవర్నమెంటువారు న్యాయము జరుపుచున్నారనిగూడ అనుకొనుటకు వీలగును. లేకపోతే ప్రజలలో చాలా అసంతృప్తి ఏర్పడి గవర్నమెంటు ఇంకా ఎక్కువ unpopolar అగును. ఇప్పుడు వచ్చిన తుపాను వర్షములచేత మా ఆంధ్రదేశములో నిల్వ సరుకులు రోయిపవి. చాలినంత బియ్యము దొరకకుండా యున్నవి. బంధువులు, స్నేహితులునుంచి నాలుగు, అయిదు శేర్లు బియ్యం తెచ్చుకొన్నవారిని శిక్షించకూడదు. అట్లయిన, ఔం గూహనుండిగాని, మరెక్కడనుండిగాని special wagonsలో జూరలు తెప్పించి ప్రజలకు distribute చేయవలసిందని Food Minister గారిని కోరుతు ఇంతటితో విరమించుకొంటున్నాను.”

SRI A. GOPALAKRISHNAYYA:—“ఆధ్యక్షా, మన దేశంలో గత 3-8 5, 6 సంవత్సరములనుంచి కంట్రిబ్యూషన్లు అమలులానున్నవి. ఈ కంట్రిబ్యూషన్లు ప్రజలకు p.m. వి విధమైన ఉపయోగము లేదు. ఈ 5, 6 సంవత్సరములనుంచి ఆహార ధాన్యముల పంటలను ఎక్కువచేయుటకుగాను ఇండియా ప్రభుత్వంవారుగాని, రాష్ట్ర ప్రభుత్వముల వారుగాని ఎటువంటి శ్రద్ధ తీసుకొనలేదు. దేశంలో ఆహార ధాన్యముల పంటలు వి విధంగాను అభివృద్ధి కాలేదు. అంతేకాకుండా ఈ కంట్రిబ్యూషన్లు పెట్టడంవల్ల రైతులు, ఇతర ప్రజలు అందరుగూడ బాధపడుతున్నారు. ఈ కంట్రిబ్యూషన్లు ఎవరుగూడ సుఖంగా లేరు. కంట్రిబ్యూషన్లనంత మాత్రంచేత మనం ప్రజలకు కావలసినంత ఆహారధాన్యాలను సరఫరా చేయలేము. పంటలను అభివృద్ధి చేస్తేనేగాని ఈ కాటకం తగ్గదు. అప్పుడుగాని ప్రజల సుఖించరు. ఇప్పుడు మనము ఇతర దేశాలనుంచి అనేక కోట్ల రూపాయలు విల వైసలువంటి ఆహారధాన్యాలను కొనికొంటున్నాము. మన దేశంలో పండే పంటలను అభివృద్ధి చేసుకొన్నట్లయితే ఈ విధంగా ధనము ఇతర దేశాలకు పంపవలసిన అవసరం ఉండదు. పంటలు అభివృద్ధి కావాలంటే పాలాకుల ఎరువు వెయ్యాలి కాబట్టి ప్రతి జిల్లాకు ఒక్కొక్క manure factory ని ప్రభుత్వము వారు కట్టించాలి. ఆ విధంగాచేసి రైతులకు సరసవైన ధరలకు ఎరువులు ఇచ్చినట్లయితే పంట పెచ్చుచేయవచ్చును. ఇతరదేశాలపైన ఆధారపడవలసిన అవసరం ఏమాత్రము ఉండదు. జపానుదేశంలో ఎకరానికి సగటున 12 బస్తాలు పండుతుంది. కాని మనదేశంలో సగటున 7, 8 బస్తాలకన్న పెచ్చు పండుతుంది. మనదేశముకన్న జపాను దేశము చాలా చిన్నది. మనదేశంలో 30 కోట్లకు వైగా జనాభా ఉంటే, ఆ దేశంలో 8 కోట్ల మందే ఉన్నారు. కాని ఆ దేశంలో పంట సగటున 12 బస్తాలంటే, మనదేశంలో 7, 8 బస్తాలు మాత్రమే పండుతుంది.”

Mr. PRESIDENT:—“మన ఘాములు అంత తక్కువ పండుతున్నవా?”

[18th November 1949]

SRI A. GOPALAKRISHNAYYA:— “సగటున చూచినట్లయితే 7, 8 బస్తాలే పండుతున్నట్లు తేలుతుంది. కొన్ని ప్రదేశాలలో అలాగా చూడటా ప్రాంతాలలోను ఇతర సీటిసౌకర్యాలన్నచోట్ల ఎకరమునకు 20 బస్తాలుకూడ పండుతుంది. మన దక్షిణ భారతదేశంలో ఉన్న భూమిలో సగభాగము వీడుగానుండి పంటలు సరిగా పండటంలేదు. జనాభా పెరిగిపోతుంది. ఈ జనాభాకంతకు ఏ విధంగా సరిపోయినంత ఆహారధాన్యాన్ని పండించగలమా అనే విషయాన్ని ప్రభుత్వంవారు శ్రద్ధగా ఆలోచించాలి. మనకు ఆహారము ఎంత అవసరమా భూములకు ఎరువు అంత అవసరము. భూములకు ఎరువును సప్లయిచేయించే విషయములో ప్రభుత్వంవారు నిర్లక్ష్యం చేస్తున్నారు. ఇప్పుడే ప్రభుత్వంవారు ఆలస్యము చేయక ప్రతి జిల్లాకు ఒక్కొక్క manure factory ని పెట్టించినట్లయితే, 4, 5 సంవత్సరముల నాటికైనా రైతులకు కావలసిన ఎరువును మనము తయారుచేయించగలము. అందువలన పంటను అభివృద్ధి చేయడం వీలు అవుతుంది. ప్రభుత్వంవారి సహాయం లేకుండా ఏ రైతుకూడ ఎక్కువ ఆహార ధాన్యాన్ని పండించలేడు. అధికాహారోత్పత్తి చేయమని రైతులతో చెప్పినంతమాత్రము చేత పంటలు అభివృద్ధికావు. అంతవరకు కంట్రోల్స్ బాధ దానివల్ల వచ్చే black-market బాధ తప్పేటట్లు కనిపించడంలేదు.

“ఈ కంట్రోల్స్ వల్ల భాగ్యవంతులకంత ఇబ్బందిలేదుగాని, వీడవాళ్లు సామాన్య ప్రజలు అవసరించే వాళ్ళు వడవలసి వస్తుంది. భాగ్యవంతులైనవారు నేరు రూపాయలనా రెండురూపాయలనా కొనుక్కొనివెళ్ళగలరు. వీడవాళ్లు మాడిపోతున్నారు. ప్రతిదేశంలోను వీడలను పోషించటానికిగాను ఆదేశములలోని ప్రభుత్వాలవారు employment provide చేస్తున్నారు. వారికి కావలసినంత ఆహార ధాన్యాని సరియైన ధరలకు అందేటట్లుగా చూస్తున్నారు. కాని మన దేశములో అమలులో ఉన్న టువంటి ఈ కంట్రోల్స్ వడతులవల్ల భాగ్యవంతులైనవారు ఇంకా భాగ్యవంతులై పోతున్నారు. వీడవాళ్లు మరి వీడవాళ్లయి తిండికి, గుడ్లకు కరువై మాడిపోతున్నారు. మనకు స్వరాజ్యం వచ్చి చూడు సంవత్సరాలైంది. కాని ఇంతవరకు ఒక్కటైననూ చుట్టూపైన పని జరుగలేదని నా నమ్మకము. జపాను దేశంలో స్త్రీలకు పురుషులకుకూడ స్కూలు ఫైవలు వరకుకూడ compulsory గా ఉచితంగా చదువు చెప్పిస్తారు. మిల్లిటోను ఆఫీసులలోను, అనేక మంది స్త్రీలు పని చేస్తూయంటారు. కాని మన దేశంలో మగవారికే పనులు దొరకటంలేదు. ఇవి చాల విచారించున విషయం. ఆహార ధాన్యాలు సరిగా పండక పోవడంచేత మనము ఇతర దేశాలనుంచి ఆహార ధాన్యాలను తెచ్చుకోవలసి వస్తుంది. మన డబ్బు ఇతర దేశాలకు ఒక నదిలా ప్రవహించిపోతుంది. ఇతర దేశాలలో పండ్లు మొదలైనవాటిని అద్దాల పెట్టెలలోకూడ పెంచగలుగుతున్నారు. కాని మన దేశంలో ఆహారము కోసరమే బాధపడుతున్నాము. ఇతర దేశాలవారు వారిదేశాలలో ప్రజలకు సమైక్య ఆహారాన్ని ఇప్పించడానికి ఎంతో కష్టపడుతుంటే మన ప్రభుత్వంవారు అటువంటి ప్రయత్నాలేమి చేయడంలేదు సగదా ఈ కంట్రోల్స్ ను పెట్టి అందరిని బాధిస్తున్నారు. కంట్రోల్స్ నుంకకాలము blackmarket తగ్గుదు. కంట్రోల్స్ ను అవకాశంగా తీసుకొని ఉద్యోగస్తులు ప్రజలకు ఇబ్బంది పెడుతున్నారు. ప్రజలకు బియ్యం ప్రభుత్వమువారు స్వయంగా ఇప్పించటంలేదు. వారు ration ను కొంత మంది వర్తకులద్వారానే పంచి పెట్టిస్తున్నారు. ఈ వర్తకులు, వారి ఏజెంట్లు, ఆఫీసర్లు ఈ రేషనింగును సరిగా అమలు జరపటంలేదు. లంచగొండితనము పెరిగి పోయింది. ప్రజలకు జరుగుతుండే అన్యాయాలు చెప్పడంకూడా కష్టం. కాబట్టి ఈ కంట్రోల్స్ ఎంత త్వరగా తీసేస్తే అంత మంచిది. కంట్రోల్స్ తీసేస్తేనేగాని black-market తగ్గుదు. అప్పుడుగాని ప్రజలకు ధారాళంగా బియ్యం లభ్యంకావు.

18th November 1949] [Sri A. Gopalakrishnayya]

“మన ప్రభుత్వంపాటు పదిగోల్లో ఇరువదిగోల్లో సప్లయింగ్‌రమిచ్చి జమీందారీలను రద్దు చేస్తున్నారు. జమీందారీలను రద్దుచేసినంతమాత్రముచేత పంటలు అభివృద్ధికావు. పంటలు ఎక్కువ కావాలంటే జిల్లాకు అథమబక్షను ఒక్కొక్కటైన manure factory పెటించాలి. ఎరువులను సరసమైన ధరలకు రైతులకు విక్రయించి అవసరమైతే compulsory గాగూడ రైతులు ఎరువును తమ ఘాటులలో ఉపయోగించాలి అనే నిబంధనలొనైన పని చేసినట్లైతే పంటలు అభివృద్ధి అవతాయని, మన దరిద్రము తీరుతుందని మనవి చేస్తున్నాను.”

* JANAB ABDUL LATIF FAROOKHI :—“ Mr. President, Sir, 3-15
when this morning I moved for a reference of this Bill to a joint P.m.
select committee, the Hon. the Law Minister argued the case on behalf of the Government. As a good lawyer, he argued well, but he did not make out a case. It all depends on the party which engages the lawyer and the same case can be argued both ways by a lawyer. Being an able lawyer, the Hon. the Law Minister argued the case very well, but he has not convinced us on this side of the House of the necessity for this legislation.

“ Sir, clause 4 (3) says—

“(3) Where a notice of acquisition is served on the owner of the property or is published in the *Fort St. George Gazette* under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the Provincial Government free from all encumbrances and the period of requisition thereof shall end.”

Who is to pay the money for the encumbrances? It has not been made clear either in the Bill or in the speech of the Hon. Minister in charge of the Bill or in the speech of the Hon. the Law Minister. A man may have mortgaged his property and another man might have paid the money for the property with very good intentions not knowing that this property would be requisitioned. How is he to take back his money? That has not been answered at all.

“ Then Sir, the Hon. the Law Minister said that there is no ousting of the jurisdiction of the court. He pointed out the Limitation Act according to which after three years a pro-note is not valid. I do not know whether any lawyer will agree with him in this analogy between a pro-note becoming invalid after three years and preventing a person from appealing to the highest authority other than the Government after the District Collector or the District Magistrate has passed orders under this Act. It is clearly stated that after the District Collector or the Magistrate has made an order under this Act, no appeal shall lie except with the Provincial Government. I pointed out this morning that the District Collector or the District Magistrate is an officer who would look to the favours of the Government. There are not many instances where a District Magistrate has passed an order and the local Government have reversed that order. There may be one or two instances, but whenever a District Magistrate or a Collector passes an order and when the file comes to the higher authorities—the Secretary to the Government or the Minister—they simply endorse that order.

[Janab Abdul Latif Farookhi] [18th November 1949]

During the former days when we had Executive Councillors—people used to call them signing machines . . .”

MR. PRESIDENT :—“ Putting dhoby marks, is it? ”

* JANAB ABDUL LATIF FAROOKHI :—“ Yes, Sir, dhoby marks are put on orders passed by the District Collectors. Are there many occasions where the orders of the District Collectors have been reversed by the Government? Such being the case, where is the remedy for the man against whom an order is passed by the District Collector, if the local Government also put their dhoby mark on it? Should he not have the opportunity of having his case examined by the highest judicial authority? I therefore submit, Sir, there is ousting of the jurisdiction of the court. The Hon. the Law Minister may think I am wrong, but legal experts outside will certainly agree that there is a bar against the affected persons going to a court. The Hon. the Law Minister being a very able lawyer has argued a bad case very well, but he has not convinced the people and he would not convince any court of law.”

MR. PRESIDENT :—“ At any rate he has convinced his own party.”

THE HON. SRI K. MADHAVA MENON :—“ I have convinced the Leader of the Opposition also.”

* JANAB ABDUL LATIF FAROOKHI :—“ If we read the speech of the hon. Member Mr. Ranga Reddi, we will find that all his arguments were in favour of amending certain clauses of the Bill and not completely in favour of the Bill. So, the Hon. Minister has not convinced even his own party, though the party-men have to abide by the discipline of the party. It is therefore better that the Government reconsider this question. The Hon. the Law Minister has himself confessed that most of the sections of the former Act which this Bill replaces were not put into operation and I do hope—it may not be hoping against hope—that the clauses of this Bill also will not be put into operation. The Bill will only be a sort of preventive measure calculated to do good and not harm to the people. My hon. Friend, the Leader of the Opposition, says it may not even be printed. But the Government have to go through all these formalities. I would request them to apply this Act sympathetically and not to place power in the hands of people who would abuse it. The Government should see that the officers do not go out of their way to put the clauses into operation. The Government should sympathetically view the cases.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, those of us who witnessed the performance of the Treasury Benches this morning were convinced that they put up the poorest show that they ever did in this House. They had no arguments to support many of the clauses found in the Bill. I beg of them that in future

18th November 1949] [Sri R. Suryanarayana Rao]

when they bring forward Bills, instead of merely repeating or trying to re-enact Bills which were once enacted, they should go through each clause and find out if the necessity for the clause exists, and then only introduce it in the Bill. We have wasted a lot of the time of this House and of the other House. There are provisions for which no explanation can be given either by the Hon. Minister for Food or the Hon. the Law Minister. They simply took the 1946 Act of the Prakasam Ministry and reprinted it first as an ordinance and then as a Bill. Most of the provisions have not been put to any use and if they have not been put to any use, there will be no necessity to put it to any use hereafter. I therefore beg of them, in the other pieces of legislation which they are going to introduce, to go through the clauses and see if they are necessary. As the Hon. the Leader of the Opposition said, we know that controls are necessary and you may put two clauses in the Bill, one defining the essential articles and the other a schedule, and you may go on adding to the schedule. So long as controls exist, the Government must possess the powers necessary to enforce control. But there are other features in the Bill which are out of place, unnecessary and uncalled for. I make this suggestion more as a friend of the Government and in the interests of the time and energy spent in this House as well as in the other House, that the Government should go through the piece of legislation before it is introduced and bring it here only when it is necessary. We are prepared to support the Government in enforcing controls and give them the powers that are necessary to enforce the controls, but there are many features in the Bill which even my Hon. Friend the Minister for Law could not defend this morning."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Mr. President, Sir, I need only refer to one or two points which have been mentioned in the course of the discussion. With regard to the complaint made by my hon. Friend from Visakhapatnam about rice, it is true that as a result of controls we have to stock and distribute it in so many different and distant places where godown accommodation and other storing facilities may not be up to the standard. When such complaints arise, it is much better that the people draw the attention of the local authorities. In some cases where they do not pay any attention the matter has been brought to the notice of the Government and we have rectified so many cases. I may assure the hon. Member that necessary enquiries will be made in the matter.

" Regarding manure, my hon. Friend mentioned that manure is the most important thing in the drive for more food. He has suggested that the manufacture of manure should be started almost in every district. I am not an expert on manures, but I would only mention that one of the experts who visited this Province has suggested that much has to be done even with the existing facilities for getting manure like farm manure, green manure and prevention of soil erosion. These things will help more than mere

[Sri J. L. P. Roche Victoria] [18th November 1949]

chemical manures which, as we have been cautioned before must be used cautiously along with other manures.

3-30
p.m.

“ With regard to the other point mentioned by my hon. Friend Mr. Farookhi, I wonder why he has taken objection to the particular clause which he also mentioned in the morning and which was answered by my hon. Friend the Law Minister, viz., that an appeal from the Collector's orders to the Government was defective. As was explained, there may be some small matters in which a person may feel aggrieved by a Collector's order; but this gives him all the facilities to go up to the Government directly instead of going to a court of law and rectifying matters. As far as he is concerned, it will be a much easier procedure, rather than filing a complaint in a court of law. That explains why that clause is there, and I may assure the hon. Member that there are not many cases like this which have come to our notice before.

“ As regards the other criticism that this Bill is merely a copy of the old Act and that we have not sufficiently gone into the matter, as I said this morning, though there is nothing new in it, these provisions are necessary as far as we can see. The very fact that many of the provisions have not been enforced does not take away the importance of the clauses, because as I said in the morning, conditions have not improved very much since those war-days; conditions have even deteriorated.

“ With these words, Sir, I request that the Bill may be now passed into law.”

MR. PRESIDENT:—“ The question is that the Bill to provide for the continuance during a limited period of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property, L.A. Bill No. 25 of 1949, as passed by the Assembly, be passed into law.”

The motion was put and carried and the Bill was passed into law.

GOVERNMENT MOTION.

IV.—DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948.

- * THE HON. SRI H. SITARAMA REDDI:—“ Sir, I move—
‘ that the following draft^a of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 40 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, be taken into consideration.’

“ Sir, the rules have already been circulated to the Members of this House.